

PUBLIC SAFETY & PUBLIC INFORMATION COMMITTEE
of the
Suffolk County Legislature

Minutes

A regular meeting of the Public Safety & Public Information Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on May 15, 2002.

MEMBERS PRESENT:

Legislator Angie Carpenter - Chairperson
Legislator David Bishop - Vice-Chair
Legislator Lynne Nowick
Legislator Maxine Postal
Legislator Joseph Caracappa
Legislator William Lindsay

ALSO IN ATTENDANCE:

Paul Sabatino - Counsel to the Legislature
Doug Sutherland - Aide to Legislator Carpenter
Tom Donovan - Aide to Presiding Officer Tonna
Ed Hogan - Aide to Legislator D'Andre
Terrence Pearsall - Aide to Legislator Lindsay
Jim Spero - Deputy Director/Budget Review Office
John Ortiz - Budget Analyst/Budget Review Office
Todd Johnson - County Executive's Office/Intergovernmental Relations
Bill Faulke - County Executive's Office/Intergovernmental Relations
John Gallagher - Commissioner/Suffolk County Police Department
James Abbott - Chief Deputy Commissioner/Suffolk County Police Dept
James Maggio - Deputy Commissioner/Suffolk County Police Department
Phil Robilotto - Chief of Department/Suffolk County Police Department
John McElhone - Assistant Chief of Patrol/Suffolk County Police Dept
Hal Jentzen - Commanding Officer-Marine Bureau/SCPD
Kevin Cronin - Lieutenant-Bellport Against Drugs/SCPD
Bill Rohrer - Suffolk County Police Department/Public Information
Dana Gutierrez - Assistant Principal/Brentwood School District
Robert Kearon - District Attorney's Office
Kris Chayes - Suffolk County Department of Civil Services
Debbie Epple - Head of the Office of Public Information
Laura Ahearn - Executive Director/Parents for Megan's Law
Pattie Pica - Community Outreach Rep/Parents for Megan's Law
Catherine Roettinger - Parents for Megan's Law
John Merle - Director/RAP-Reports About Police
Ruth Cusack - Suffolk County League of Women Voters
Ellie Seidman-Smith - Director/Community Service Program/ARC
Joe Haberstroh - Newsday
All Other Interested Parties

MINUTES TAKEN BY:

Alison Mahoney - Court Stenographer

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(*The meeting was called to order at 9:42 A.M.*)

CHAIRPERSON CARPENTER:

Good morning. I would just like to welcome everyone to the Public Safety Committee and ask Legislator Bishop, if you would, please lead us in the Pledge of Allegiance.

Salutation

Thank you. We have a couple of items on the agenda this morning with the Police Department, but we also have -- as our title, implies Public Safety and Public Information -- Debbie Eppel who heads up the Public Information Department here this morning to give us a little bit of an overview on what she's doing there. So Debbie, if you would, please come forward.

MS. EPPEL:
Good morning.

CHAIRPERSON CARPENTER:
Good morning.

MS. EPPEL:
Hi. I just wanted to give everybody an overview basically of what the Public Information Office --

CHAIRPERSON CARPENTER:
Could you speak right into the microphone, please?

MS. EPPEL:
Okay. I would like to give everybody an overview of what we're doing at the Public Information Office. Basically we're trying to keep the residents informed of all the different County programs and services, so I've been meeting with the different departments to try and get the information about areas they would need assistance with to try and get the information out to the public. I have met with the Commissioners and the public relations people in the different departments and I have contacted them to see what areas they need help with in helping -- because the Legislature, the County Exec, all the different departments, everyone is getting out press releases, but we're trying to coordinate the information so that everyone's aware of what's going on.

I have contacted the Cooperative Library System and they're sending out our news bulletins which we've developed to the 62 libraries in their system. I have contacted the town offices and we send them information so that they're aware of what's going on. Some of the projects we're working on, as I said, was developing The News Bulletin. This is basically summarizing some of the events that are taking place and the information on the programs and services that all the departments are offering.

I'm also working on different community events such as coordinating the County participation in the Town Hall and the mall event that just occurred on Saturday. Another thing we want to do in the office is try to get the County employees aware of what's going on with the

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other employees in the department to try and let them know what the other employees are doing, the good things that are going on. And basically we are also sending out information ourselves on events that are happening, because many of the departments don't have public relations people doing that kind of job because they're small departments. Like Soil and Water just had an event for high schools so we sent out a public release on that and a PSA and we announced the winners for them, things like that. We're helping the Women's

Services with their financial series of seminars that they're having, different events like that.

CHAIRPERSON CARPENTER:

Debbie, thank you very much. I know that when the Legislature first discussed this in the budget process over a year ago there were a number of us that felt very strongly that there is a lot of good, positive things happening in the County and that very often that message isn't getting out there, and really felt that if there was a coordinated effort on our part to get that good information out to our residents so that they could avail themselves of the services and know what was happening, that it really would be a plus. And it seems from what I have seen and comments that I have received from other Legislators, it really is working and in no small measure because of your efforts.

And I have gotten feedback, too, from various departments that you have met with and you have really gone above and beyond in reaching out to them and it's given them a comfort level and they're getting that information forward. So really, thank you very much. Are there any comments or questions? Well, we won't keep you. Thank you `so much.

MS. EPPEL:

Okay, thank you.

LEG. POSTAL:

Thank you.

CHAIRPERSON CARPENTER:

I would just like to urge anyone who is, you know, doing anything in their particular Legislative Districts, to get that information to Debbie so that she can get it out.

We have a couple of cards, so let me go to the cards before we bring up the Commissioner. Laura Ahearn. Are you all here together; do you want to come up together then? Catherine Rothinger (sic) and Patty Pica? Good morning.

MS. AHEARN:

Good morning. Most childhood sexual abuse happens with somebody a child has an established and trusting relationship with, it's often a person in a position of trust, a coach, clergy, somebody close to a child. The recent cases of clergy abuse demonstrate just how sinister the sexual victimization of our children really is. What's worse is that the very tools that can help prevent the victimization of children are just as well hidden as is the crime itself.

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Ninety percent of childhood sexual abuse happens with somebody a child knows, and yet adults and children can be taught very specific skills to help prevent sexual victimization, and those same adults can be taught in the same setting how to teach their children to protect themselves. It's really simple. Require all contractees of the County and their employees or volunteers to take a childhood sexual abuse prevention workshop. You will save lives. Require also that each contractee becomes a mandated reporter, that will ensure that the secret academic that continues to plague our children will stop.

I have not seen the final resolution as of yet right now, so I can't

tell you I fully support all of the language in there. However, the notion of mandated reporting for all contractees is something we fully support. The notion of requiring childhood sexual abuse prevention education which will include specific skills to help teach parents and adults how to prevent the sexual victimization of children and also the same skills to teach children how to protect themselves we fully support. And other language in what I saw in the drafts were -- was language that we supported. However, again, it's in its working stages and when there is a final resolution I would be very willing to come before you and speak to you and help to provide input to you about the final language.

Here today with us is a very special lady, her name is Catherine and she has a lot of courage. Something tragic and terrible happened in her life to her children and she would like to share with you some experiences to help guide you as the ones in our County that set policy, ultimately to prevent the victimization of children. Catherine.

MS. ROETTINGER:

Good morning. My name is Catherine and I'm a Suffolk County resident. I have five beautiful children. Last year our lives forever changed. Two of my children were brutally, sexually victimized by someone who they knew very well; he was their babysitter and the son of a very close family friend. While most people believe that they would know if a child, if their child was being targeted by a predator, I'm here to tell you that most people can't because most predators are really good at what they do.

The man who victimized my children operated the same way many of the clergy you are reading about operated. He developed a trusting relationship with me and my children and used that trust only to exploit them. Most people think that it's a stranger off the street who victimized their children, but I'm here to tell you that it's not that. Unfortunately I know this only because it happened to us, but in working with Parents for Megan's Law, I have discovered that there are very specific skills that adults can learn to help prevent childhood sexual abuse. There are also skills they can learn and pass on to the children to help their children protect themselves. Had I had an opportunity and access to childhood sexual abuse prevention education, things might be different now. You're in a position to give opportunity and access to what could be a prevention education workshop that could spare a child from victimization. I sincerely hope that you will learn not only from our experiences but also from other children across this County.

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Mandated reporting of suspected childhood sexual abuse is a positive step, but without requiring employees to educate all their employees about sexual abuse prevention, how would they know how to spot a sexual predator and how to teach their children how to protect themselves. I have great hope that you will mandate appropriate childhood sexual abuse prevention education so other people don't have to go through what we've been through.

MS. PICA:

Good morning. My name is Pattie Pica and I work for Parents for Megan's Law. I am the Community Outreach Representative, I go into the community and educate on the prevention of childhood sexual abuse. And one thing that keeps coming to my attention over and over again is

just how in the dark adults are about keeping children safe.

As Catherine mentioned, we're so focused or adults are so focused on that stranger danger that we're not teaching children, and we don't know ourselves until we get the education, just how important it is to teach the correct skills and tools like it is not the stranger that we've been so worried about, it's the adults that the children have an established, trusting relationship that we have to be concerned about. These are the children -- these are the skills that we need to teach our children. And over and over again in the community, I'll do a workshop and adults at the beginning of the workshop will smile and think that they're pretty aware of how to teach their kids and all the things that they themselves need to know, and at the end of the workshop it's always really interesting because they come up to me and they're shocked at all the stuff they didn't know, all the skills that they now have after the workshop that they're going to take home and teach their children, and it happens over and over again in every single workshop.

What I'm here today to tell the board is that I agree that it is absolutely necessary and a very positive step in making mandated reporting a law. But more important, or equally important, is the prevention education because without it we're still not protecting the children the way we should be. Thank you.

CHAIRPERSON CARPENTER:

Thank you very much. Next speaker is John Merle.

MR. MERLE:

Good morning. My name is John Merle of Centereach and my office is in Selden. Now, I have been the Director of RAP and from that I have been attending this committee. And now I'm the watchdog of this committee and I will be making reports to -- Southampton Taxpayer's Group is one.

CHAIRPERSON CARPENTER:

Excuse me, Mr. Merle. If you would, just tell us what RAP is.

MR. MERLE:

RAP is Reports About Police. That's why I got to watch this committee, because the Police Commissioner reports here. And I just want you to know, I'll be here every meeting, in case you see me you know what I'm doing. That's all. Okay?

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CHAIRPERSON CARPENTER:

Thank you very much.

MR. MERLE:

You're welcome.

CHAIRPERSON CARPENTER:

Certainly this is a public meeting and anyone is welcome and we welcome you as well.

MR. MERLE:

Okay.

CHAIRPERSON CARPENTER:

Okay, I would ask the Police Commissioner to come forward and anyone

you care to bring with you. As the Police Commissioner is coming forward, I would just ask -- well, I'll pass these out. We have the report on the foot patrols that was requested by Legislator Bishop to distribute to the committee.

COMMISSIONER GALLAGHER:
Good morning.

CHAIRPERSON CARPENTER:
Good morning. Commissioner and Deputy Commissioners, I know that you are very good about attending the Public Safety Committees and being very responsive to the committees and we really do appreciate that. There was -- there have been a couple of incidents that have caught the media's attention and one in particular the media, and I won't identify which it was, basically called upon, "Where are the elected officials, why aren't they asking the questions?" And I think that we as a committee, as it's evidenced by the report that you brought here this morning at the request of a Legislator, have been very diligent in asking the questions and sometimes the hard questions of the Police Department, and you and your department have been very forthcoming and we do appreciate that.

COMMISSIONER GALLAGHER:
Thank you.

CHAIRPERSON CARPENTER:
So if you would, I would like you to address the incidents that have caught the media's attention of late.

COMMISSIONER GALLAGHER:
Okay, there are two that I presume would be the primary interest of this committee, one is the incident in Bellport where there was an accidental shooting and discharge of a weapon that resulted in a fatal injury to an individual that was at that scene. And the other was I guess the incident, I recall it was a boat accident, boating accident, which I'm hesitant because of -- I understand the Medical Examiner's report, preliminary report would not indicate it was a drowning, but a victim did wind up in the water, let's put it that way, a victim wound up in the water and there was some question as to the response, how the response was orchestrated between ourselves and the Coast Guard and Fire Services. Let me take the Bellport incident first.

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The investigation into the shooting at Bellport is still an active investigation. It remains open until such time as it's closed by the Grand Jury really, that's our -- our closure as a law enforcement would come once a civilian review such as the Grand Jury determines whether or not there's any culpable negligence, contributory, criminal negligence or any kind of indictable offense, or if they find no true bill of indictment then we can consider the case closed.

So I'm somewhat constricted under those parameters of being very specific about the incident itself because of the nature of a criminal investigation.

CHAIRPERSON CARPENTER:
I understand that, Commissioner, but, you know, it might be a good opportunity for you to outline just exactly what procedure does take place when there is an incident like this.

COMMISSIONER GALLAGHER:

Oh, okay. Sure.

CHAIRPERSON CARPENTER:

Because I don't know if everyone, particularly the public, is aware of that.

(*Legislator Caracappa entered the meeting at 10:01 A.M.*)

COMMISSIONER GALLAGHER:

I've tried to make this point in the past and sometimes I know it gets lost in translation of the immediate incident. First of all, every shooting, any time an officer has to fire his weapon, discharge of a weapon, that's automatically subject to review within the department regardless of the consequences. In other words, there's a debriefing after the incident with the officer's superiors, his immediate supervisors, a thorough debriefing as to what happened, you know, what were the justification on the officer's part to fire the weapon. And when the discharge of a weapon results in an injury to anybody, injury or fatalities in this case, that becomes then an Internal Affairs and homicide case, so that the Homicide Squad by its nature would investigate any time an officer fires a weapon which results in either injury or death. And the Internal Affairs Unit which reports directly to me also conducts an investigation to see whether there was any violation of the department's rules and procedures.

Those two investigations, in effect, become a joint, if you will, joint command report which gets sent over to the District Attorney. In effect, we say, "This is what we found about the incident". The District Attorney then has the option -- and that's the first level, if you will, of civilian review. The District Attorney -- I know there's all kinds of popular notions of the District Attorney and the police being hand-in-glove, the District Attorney is a civilian, he reports to the people, he I would like to think is someone who takes a view of any incident like this not from a police standpoint but from the standpoint of one who is the defender of law. He can, if he wishes, accept our joint report from Homicide and Internal Affairs or he can open his own investigation through use of his own District Attorney Detective Investigators who do not report to the Police, they

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work for him. They can enhance or actually start all over with their own investigation of an incident, that's his choice.

Regardless of what route he chooses, whether he takes the -- whatever route he chooses, whether he takes the report as we presented it or he decides to review it further, the results of that investigation, his or ours, go to a Grand Jury, that's automatic, they go to a Grand Jury; again, another level of civilian review. The Grand Jury in turn takes all of the investigation results and reports and listens to the investigation as it's presented by an Assistant District Attorney. They then can either return a bill of indictment or return a bill of no true bill.

At some time after the Grand Jury's proceedings are closed, at some time in the future, the department has a shooting review team which traditionally by experience we find it's best to wait till the incident has in effect cooled down or calmed down and the results of the investigation are complete, but that team then goes back over every aspect of the shooting. The officer is again brought before a

review board consisting of officers who have experience in incidents such as this where a shooting took place among others, officers with firing experiences, and then review takes the form of trying to determine is there anything we do now that we should do differently? Is there any training, any of our training that should be different, any of our methods of operation that should change as a result of this shooting? So that's yet another review.

During the course of the Grand Jury's investigation there's always a Medical Examiner's report that's offered too. And the Medical Examiner is a form of civilian review also because the Medical Examiner's job is to look at the condition of the -- in this case it was fatal, they look at the condition of the deceased and listen to our version of what happened and then they can determine on their own whether they believe or not believe the police version of how the incident took place by their own examination. So that all becomes part of the Grand Jury's review. So just as a condition of experience, I think it's important to note that there's several different layers of review every time a case like this lapse.

That incident -- in this case, I am convinced the instant of an accidental discharge will become again and again and again the subject of review by agency after agency.

CHAIRPERSON CARPENTER:

Thank you for that thorough outline. Does anyone have any comments or questions before he moves on to anything else? Legislator Bishop.

LEG. BISHOP:

Just on the same topic, Commissioner. You say that the District Attorney has the opportunity to use Detective Investigators who are outside the chain of command of the Police Department to conduct a concurrent investigation, be it complimentary or completely independent. In this case, have you encouraged the District Attorney to do that? Do you think that it serves a purpose in terms of public

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confidence to have a separate investigation or do you feel that the current system with the department handling the investigation is appropriate?

COMMISSIONER GALLAGHER:

Well, I would not characterize, you know, my operational relationship with any District Attorney, you know, it would be my job to encourage him or not encourage him to do something, I think that's -- you know, it has to be a decision he would make. I don't know under what conditions he would --

LEG. BISHOP:

Have you communicated on this particular matter?

COMMISSIONER GALLAGHER:

Excuse me?

LEG. BISHOP:

Have you communicated on this particular shooting?

COMMISSIONER GALLAGHER:

No, no.

LEG. BISHOP:
Not at all.

COMMISSIONER GALLAGHER:
We don't communicate because he's no review agent. In other words, it's his job to take what we submit to him and to determine whether or not he has to conduct -- I mean, I don't try -- I think in the interest of justice the idea is not to try to prejudge any of his decisions or in any preclude him from making his own decisions, so we don't communicate on the incident. I say communicate, I mean I'm not -- he's obviously aware of what happened but we don't go into any detail with each other.

CHAIRPERSON CARPENTER:
Are there any other questions? Okay, if you wish to move on.

COMMISSIONER GALLAGHER:
Yes, the boating accident that took place a few weeks ago. What evidently -- one of the most evident results, you know, review of that was that we realized that we may have a communication problem. In fact, I believe we do have a communication problem, that was the problem being we had a protocol established between the then Commanding Officer of the Marine Bureau and Fire, Rescue & Emergency Services and the Coast Guard. The protocol involved if there was anybody just accidentally -- I don't know what the word would be, what the proper term would be, but somebody falling into the water, whether it's off a boat, jumping off a bridge or anybody overboard, man overboard type of call, that Fire Rescue would be notified along with the Police Marine Bureau and the --

CHIEF DEPUTY COMMISSIONER ABBOTT:
Coast Guard.

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COMMISSIONER GALLAGHER:
Coast Guard, thank you; I couldn't think of the third one. Now, sometimes these calls -- our envisionment was these calls coming in through a 911 call. What happened on the incident in question was that the call came over the emergency channel, I think it's channel 16, VHF channel, and was picked up by the Coast Guard; I'm not sure if we picked it up simultaneously with them or not, but it came in as what they call a mayday call. And the communication problem that developed was that because it had not come in through 911, there was some delay in -- some delay in communicating to Fire, Rescue & Emergency Services that there was a call out there.

That situation is being rectified. There's a meeting scheduled for the 23rd with the Coast Guard, ourselves and the FRES communications people and we're going to assure -- even prior to that meeting, while we're going through the protocols at that meeting, we're going to assure that that situation does not happen again. The Commanding Officer of the Marine Bureau who is here, Inspector Jansen, has already issued a general order that any time we receive a call of some person in the water from any source, from any way that we receive it, we will -- whether it's duplicative or redundant is of no interest to me, we will communicate that call, we'll make sure that our receipt of it is acknowledged by the Coast Guard and Fire Rescue communications. So that, you know, whoever is the first to be able to respond to the scene will respond to the scene.

There is a backup. The backup to the Marine Bureau has always been the Helicopter Aviation Unit. But as we saw on the day in question, that backup cannot always be deployed due to weather conditions.

CHAIRPERSON CARPENTER:
Legislator Postal.

LEG. POSTAL:

I think that part of the -- or one of the questions in my mind has to do with the staffing at any given time, because a call -- if there's going to be a change in procedure so that no matter where the call originates there's a response even if there's already -- we're assuming that somebody else is responding, we respond too. But from what I read in the paper, it seemed that during those hours at that time of year there was only one individual there and that's not enough to staff a boat. So I guess my question would be are we changing our deployment so that at any given time there are enough staff people there to send a boat out should it be needed?

COMMISSIONER GALLAGHER:

Yeah, we have a menu that the Deputy Commissioner handed me, we're reviewing seven items, you know, related to this incident. One would be to expand the time frame of what has been traditionally determined to be the boating season, to actually expand that because of the continuing use of pleasure craft in the waters, even in what was traditionally non boating season when you had far fewer boaters out there, really we're going to consider the boating season to start in April and end in October. We're looking at placing boats on the barrier beach along Fire Island where we do have -- the day in question there were officers present at Fire Island, the Barrier Beach

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command officers on the land who are members of the Marine Bureau. So that if we placed craft there with Marine Bureau personnel on the Fire Island command, in effect they could become boating operators upon notification, they can get to a -- if they have a boat there they can get to the boat, take out into the water.

We are adding officers to our team between 1 and 9 A.M., that crucial period that you -- we're going to be adding the officers, Marine Bureau officers to the team that's available at Marine Bureau headquarters. This is a complicated issue, you know, it doesn't just -- I mean, it sounds easy to say just put more people, but as you know, we're surrounded by water so what happens on the south shore, we have to take into account can we take the same kind of response to the north shore. We are going to be requesting that we be given authority to purchase a rigid hull rapid-response type craft that would give us some advantage in time; A rigid hull meaning it looks like an inflatable but has a rigid hull to it.

We're looking at cross-training other members of the department, Emergency Service Units especially. These are all -- as I said, this is our menu. We're looking at cross-training other members of the department in boating operations, so that, you know, upon necessity to bring in people, if there is such a necessity, that they have people available other than just the people in the Marine Bureau. And also, of course, the communications, another key area that I said. The communication link between FRES and the Police Department is the direct link, the Coast Guard does not have a direct link with the fire Services. In other words, their call or any calls for assistance that

they give go to us. But we will from now on, we will automatically make our calls also, you know, make sure that our calls are also transmitted to FRES.

But I think to answer your question, within that menu, I hope it's becoming clear that there's going to be more people available at any given time from here on end.

LEG. POSTAL:

I understand what you're saying about the geography of Suffolk County. I just think that if we have somebody stationed at a spot who is assigned to the Marine Bureau, we need to have a way to respond. And I understand there are peak times and you have to deal with personnel and the number of personnel that you do have, but again, I would just want to feel that there would be people on the scene who could respond immediately rather than calling someone in who now has to travel.

COMMISSIONER GALLAGHER:

That's one, as I said, the menu -- I think we have already made the commitment, we will add to the number of officers present at Marine Bureau Headquarters at Timber Point. What we're trying to do is also make sure that we can actually respond through other locations besides the south shore with officers that would be immediately available.

LEG. POSTAL:

Okay, thank you.

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CHAIRPERSON CARPENTER:

In listening to all of this, there's one little component that has really gotten little discussion and that is the education component, the public awareness. It was a God awful day and this person went out on the bay with no life preservers. And I don't know that that would have made a difference, but it seems that whatever we can do to encourage people to be a little bit more thoughtful about their decisions when they do go out on the water, especially when it is the off season.

COMMISSIONER GALLAGHER:

Well, you know, I don't -- I can't be more in agreement that responsibility is a two way street, safety responsibility, and those who choose to go out on the waters of this -- you know, surrounding this Island have got to, you know, assume a certain amount of responsibility for their own safety, small craft warnings, etcetera like that. These things are not published -- they're not promulgated just as an exercise, there's a real warning that tells you, you know, if you don't have the proper type of craft, stay off the water today. But, you know, I really don't have an answer for that other than, as you said, education which is primarily the Coast Guard, boater safety and boater education. The Coast Guard Power Squadron.

CHAIRPERSON CARPENTER:

I would also kind of call upon the media, whenever they have the opportunity to do so, to do those public awareness kind of campaigns and encourage people to be a little bit more thoughtful about their decisions. It was interesting that this unfortunate incident did get a lot of play in the press, it made the front page of Newsday, and a week or so later when the same Marine Bureau made a rescue out on the bay, it wound up on page 17 of the newspaper. Are there any other questions or comments on this particular issue?

We have the foot patrol overview that the Police Commissioner and the department shared this morning; are there any questions or comments on that?

LEG. BISHOP:
On what?

CHAIRPERSON CARPENTER:
The foot patrol.

LEG. BISHOP:
Yeah.

CHAIRPERSON CARPENTER:
Legislator Bishop.

LEG. BISHOP:
Commissioner, am I correct that we are at full staffing right now, we're at 2,700 officers?

COMMISSIONER GALLAGHER:
No.

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LEG. BISHOP:
Is 2,700 officers full staff?

COMMISSIONER GALLAGHER:
Well, we don't have -- you know, there's no magic number. I mean, the ideal number of full staffing for the department would be somewhere in that number; if you were to look at a number that gave me a comfort zone of available officers for all available assignments, it would be up in that number. But, I mean, I don't have a magic number that says this is it. You need the case, the comfort zone number is not the number we now have, it's below 2,700. The Chief, who seems to wake up every morning with this number printed on his forehead, can tell you; as of this morning, Chief.

LEG. BISHOP:
He must have erased it this morning.

CHIEF ROBILOTTO:
Twenty-seven twenty-six.

LEG. BISHOP:
We're at 2,726.

COMMISSIONER GALLAGHER:
Well, 2,726, but remember, that includes a hundred and --

CHIEF ROBILOTTO:
(Is it 35 or 135) in the academy.

COMMISSIONER GALLAGHER:
In the academy. They're there, they're members of the department, but I can't count on them for the day-to-day patrol functions.

CHAIRPERSON CARPENTER:
They just started.

LEG. BISHOP:
They started in April.

COMMISSIONER GALLAGHER:
They just started.

LEG. BISHOP:
What I'm trying to get at is are we at -- this document lists the foot patrol and it says of course, "As personnel availability permits," underlined to call special attention to that. What I want to know is --

COMMISSIONER GALLAGHER:
Well, that's so we don't -- you know, in the interest of full disclosure. We can't always man every post, you know, in every precinct, foot post or other, not all the time can you -- depending on the conditions that day and something that's going on in the precinct, you may have to --

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LEG. BISHOP:
Understood, if there's an emergency --

COMMISSIONER GALLAGHER:
You sacrifice a post.

LEG. BISHOP:
I'm just trying to understand, what is the reasonable expectation?

COMMISSIONER GALLAGHER:
Oh, on this?

LEG. BISHOP:
As a Legislator for the community.

COMMISSIONER GALLAGHER:
Yeah. I mean, this is done with the intention that these posts will be staffed.

LEG. BISHOP:
Oh, okay.

COMMISSIONER GALLAGHER:
Yeah, they will be staffed.

LEG. BISHOP:
You have the staff right now, so this is not --

COMMISSIONER GALLAGHER:
We have them right now? Yes, I think we have enough to do these posts, yes.

LEG. BISHOP:
Okay.

CHIEF ROBILOTTO:
We will man the posts. The reason that's underlined is if, for example, a post has to be manned and it has to be manned on overtime, they're particularly asked to look at the weather conditions;

obviously, you don't need the guy if it's thunderstorms and lightning.

LEG. BISHOP:

Right.

CHIEF ROBILOTTO:

That's the reason that's there.

LEG. BISHOP:

Okay. But the reasonable anticipation is that all these posts will be filled through the summer.

COMMISSIONER GALLAGHER:

A prudent man would think that -- yes, a prudent man would anticipate that these posts will be filled.

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LEG. BISHOP:

And that's my middle name, prudent man. The second question is several years ago -- well, let's stay on this topic. Does this include bicycle patrol? Foot patrol and bicycle patrol are synonymous or are they --

CHIEF ROBILOTTO:

Yes.

COMMISSIONER GALLAGHER:

Well, they are to some degree synonymous, I'd have to defer to the Chief as to whether there's complete division between, you know, walking a foot post and being part of a COPE bike patrol.

CHIEF ROBILOTTO:

We use the bicycle patrols throughout the County. These posts will be manned by foot officers. The bicycle patrols obviously in the downtown shopping districts, particularly along the village areas, they become much more obvious than a footman does and we will bring them into those neighborhoods.

LEG. BISHOP:

I actually do not have an objection from my experience, bicycle and foot are equally as effective. There seems to be great acceptance of the bicycle patrol, it's an equivalent of foot patrol.

COMMISSIONER GALLAGHER:

I think what we're telling you is that a foot post could become, given the occasion, it could become a bicycle --

LEG. BISHOP:

As long as you have a bicycle officer who is committed to --

COMMISSIONER GALLAGHER:

For that foot post, yeah.

LEG. BISHOP:

To interacting with the community and not just breezing through, but if they're involved then that's just as effective on bicycle as it is on foot; at least that's my experience.

Last question is on COPE. Several years ago, I think it was two years ago, we had a dialogue about expanding the COPE time from 12 to 2 A.M.

I am tomorrow night attending a civic association and the civic association is kind enough to submit questions in writing in advance; I wish they all did that.

CHAIRPERSON CARPENTER:
You're very lucky.

LEG. BISHOP:
You're all jealous I bet.

LEG. LINDSAY:
That's because he's a prudent man.

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LEG. BISHOP:
Question four was is COPE being expanded to 2 A.M. They have a particular problem with a town park where kids congregate late at night and they rely on COPE to keep order.

COMMISSIONER GALLAGHER:
Well, the whole problem with making a commitment to expand it in one direction is that you have a concomitant reduction in another direction; you know, in other words, if I expand them somewhere I'm shrinking them somewhere else. I think we have to -- what we try to do is from the experiential point of view, we try to take when are they most needed, at what point -- I fully understand the merchant that might say, "Look, when this particular incident", I don't know, it could be perhaps a tavern, a bar and grill, "when that closes I know that that's a problem to me, to my store which is unattended at that hour in the morning." But you have to -- you know, I have to weigh that problem, potential problem against an experience rate that shows we need COPE officers most frequently at a much earlier hour in the day in that neighborhood.

So the best I could tell you is what we'll do is we'll look at each individual situation as far as the expansion. We have gone to seven days a week, you know what.

LEG. BISHOP:
COPE is, as I understand it and as the community understands it, is a quality of life unit.

COMMISSIONER GALLAGHER:
Uh-huh.

LEG. BISHOP:
The quality of life nuisances that are most prevalent in the neighborhoods throughout this County are occurring after dark, not at four o'clock and five o'clock.

COMMISSIONER GALLAGHER:
Well, I wouldn't automatically concur with that. Because when schools let out, some of our merchants say, "Look, we've got a real problem here when these kids come down the street. We need somebody here who's stationed here just to make sure that these kids" -- you know, I'm telling you what we hear.

LEG. BISHOP:
The kids get out of school at two o'clock and three o'clock, not at four o'clock.

COMMISSIONER GALLAGHER:

Well, it could be earlier.

LEG. BISHOP:

Let's be honest, kids --

COMMISSIONER GALLAGHER:

It's earlier than the evening hours, put it that way.

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LEG. BISHOP:

Eighteen to 22 year olds with cars go out, they probably don't even leave their house until ten o'clock at night, that's just the reality of what occurs. And so twelve o'clock, ending it at twelve o'clock when the summer comes is a formula for ineffectiveness.

COMMISSIONER GALLAGHER:

Well, we now -- we do extend their hours until 1 A.M.

LEG. BISHOP:

That's a step in the right direction. If we can get to 2 A.M., that seems to be the hour that they actually start to go home. But that twelve to two is a problem, is a real problem, and I think that other Legislators have agreed with that over the years and I thought we were moving towards this solution and I'm frustrated that we're not.

COMMISSIONER GALLAGHER:

Community-oriented policing involves all -- you know, policing at -- the job of the COPE officer is to respond to the community's needs as opposed to responding to 911 sector car calls. Those needs can stretch certainly -- you know, they're certainly not all concentrated in those late night hours. We have community policing requests that go right through the afternoons really. COPE officers also you recall during the day are doing a lot of community education. You will see COPE officers at different community, you know, forums, at school groups, etcetera. DARE is now part of COPE, too, but I'm not even counting the DARE officers. In fact, if DARE were to be made more flexible, I might point out, I could have 34 officers that could be re -- but I won't go into that.

LEG. BISHOP:

Are you making a commitment that you'd go to 2 A.M. with COPE if DARE was more flexible?

COMMISSIONER GALLAGHER:

If I had 34 more officers --

LEG. BISHOP:

In the interest of the sunshine law, let's do our negotiations in the full light of day.

COMMISSIONER GALLAGHER:

Perhaps 115 if -- no, I fully -- look, it's a constant measurement. I have to rely on the people who have spent their lives doing this, the chiefs in the Patrol Division. You know, I need them to tell me, "This is when we need these officers the most." If it's 1 AM or if it's 2 AM, then we have to adjust tours to make it happen. You know, you're constantly fighting a battle of also the tour -- tour changes are not allowed under the contract, overtime situations.

LEG. BISHOP:

I wanted to know that final piece. Let's say you, the Chief, the Deputy Commissioner said suddenly, "Legislator Bishop, you're right, we want to go to 2 AM COPE," you couldn't do it, could you?

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COMMISSIONER GALLAGHER:

No, I couldn't just issue an order tomorrow.

LEG. BISHOP:

What would be --

COMMISSIONER GALLAGHER:

Wait, let the Chief who's under the contract.

CHIEF ROBILOTTO:

We would be required to establish a Memorandum of Understanding with the PBA which, in fairness to the PBA, they're very readily agreeing to almost any shifts we're giving them. We do have the issue of covering 16 hours. In a particular case, regarding the 2 AM issue, it's a warm weather thing usually.

LEG. BISHOP:

Right.

CHIEF ROBILOTTO:

And it's far cheaper for us as a taxpayer to provide that service after the shift because there's no recall involved, it doesn't involve meals, it just simply involves paying an hour-and-a-half salary for an hour's worth of patrol. So those types of issues that any member of this body has can easily and readily be addressed and sent to the office of the Precinct Commander simply by making him aware of it and he has that authority to extend that shift on an overtime basis for the days when it's a problem.

LEG. BISHOP:

Yeah, but you hammer him if he spends overtime; that's your job, Chief, right? I mean, and we applaud you for it, we say, "That's great, the Chief's cut overtime."

CHIEF ROBILOTTO:

We hammer them --

DEPUTY COMMISSIONER ABBOTT:

Judiciously.

CHIEF ROBILOTTO:

Yes, judiciously; thank you. We're very kind and we use a velvet hammer. We do try to save the money for this season coming up so that we can use it. I hate to say this and I would love to cover the microphone, but our overtime budget is in reasonable shape. I am not promising anything, but it is in reasonable shape and there are funds available and this is not a lot of money.

LEG. BISHOP:

And --

COMMISSIONER GALLAGHER:

Let me just interject, too, Legislator Bishop. What we do with the

Precinct Commanders is they have to account for their overtime now which is somewhat of an innovation I guess in the last few years. On a weekly basis they have to tell us how the overtime was incurred and

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whether they could concur it with the overtime, you know, are there ways -- the very act of doing that has created a decrease in overtime because they're reviewing it now, they're looking at it more carefully and determining, "Well, we didn't need this at this time." And I won't go into all the details, but they have cut back on overtime.

But this is a situation, such as Chief Robilotto explains, where if the Precinct Commander says, "Look, I'm going to carry over by at least one hour that COPE unit in that area," that's okay. I mean, all he's doing -- he's doing his job really. If as a result of having dealt with the local community merchants, as you said, civic associations, etcetera, he feels tells, "I need them there for that extra hour," then the cheapest way to keep them there is to do just what he would do, give them an hour and a half's pay.

LEG. BISHOP:

I'll just conclude with this. It seems to me that drag-racing on 231, house parties that spin out of control, drinking in public places, the danger time for all those activities is from midnight and on, especially between midnight and two and 3 AM, and we should, as a police force, strive to address that with our staffing. So that's why I would urge -- I'll be urging my Precinct Commander in a letter and I'll be copying you all to make that adjustment.

COMMISSIONER GALLAGHER:

What we tried to do is on the tours that most people associate with police work -- 8 to 4/4 to 12/12 to 8 -- the distribution of personnel within that 24-hour cycle attempts to address the question of when are they most needed? When do you need the most units out there? We attempt to do that by how we distribute each tour's compliment of personnel for each precinct.

CHAIRPERSON CARPENTER:

Anybody else? I have just one comment on the foot patrol allocations. I would just ask -- I see that you have addressed some of the downtown areas, Babylon Village, Lindenhurst, Huntington, Sayville, but I don't see Bay Shore, downtown Bay Shore, so I would just ask that you look at possibly including that area.

COMMISSIONER GALLAGHER:

Okay.

CHAIRPERSON CARPENTER:

Are there any other comments, questions or concerns? If not, if you would just stay there, we'll go to the agenda. But first, Legislator Nowick.

LEG. NOWICK:

Just one comment. Maybe two months ago I know we sat here and there was some discussion about the 911 and how long it took for the Police Department to respond, and I just want to make one comment. Last week I did have a reason to dial 911 and I think it took about two-and-a-half seconds, I must tell you, for them to pick up and respond. So I think you should know that also.

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COMMISSIONER GALLAGHER:

Thank you.

LEG. NOWICK:

It was immediate.

DEPUTY COMMISSIONER ABBOTT:

Thank you.

CHAIRPERSON CARPENTER:

Thank you. Okay, let us go to the Tabled Resolutions.

Tabled Resolutions

1072-02 (P) - To establish a DARE Program in Suffolk County as a permanent program (Binder). I do know that --

COMMISSIONER GALLAGHER:

You want us to stay here?

CHAIRPERSON CARPENTER:

Yeah, there are one or two things, you may want to.

COMMISSIONER GALLAGHER:

Okay.

CHAIRPERSON CARPENTER:

The appointments are being made for that DARE review panel. I checked with the County Executive's Office because they had a number of appointments, so hopefully they will be moving forward. So rather than having this appear on the agenda week or week or meeting after meeting, I'm going to ask to table this till the fall, to the September meeting.

LEG. POSTAL:

Second.

CHAIRPERSON CARPENTER:

There's a tabling motion and a second. All those in favor? Opposed?

LEG. CARACAPPA:

Opposed.

LEG. BISHOP:

Opposed.

CHAIRPERSON CARPENTER:

Two opposed, the resolution is tabled.

(Vote: 4-2-0-0 Opposed: Legislators Caracappa & Bishop).

IR 1251-02 (P) - Adopting Local Law No. 2002, to expand the scope of County Forfeiture Law to cover Driving While Impaired (Towle). I know that you gentlemen in the past have expressed some concern about this; have you had an opportunity to meet with the sponsor or speak with the sponsor on it?

COMMISSIONER GALLAGHER:

No, I think that was a discussion that was taking place between

Legislator Towle -- is that the sponsor?

CHAIRPERSON CARPENTER:
Uh-huh.

COMMISSIONER GALLAGHER:
And the County Attorney's Office. There was that level of concern over the question of legality of seizure of property for violations.

CHAIRPERSON CARPENTER:
All right.

COMMISSIONER GALLAGHER:
Our concern is more on the logistic side; if it is going to be implemented, you know, there's going to be a real problem for us as to the numbers of cars.

CHAIRPERSON CARPENTER:
All right, let us continue then to table that.

COMMISSIONER GALLAGHER:
And I have -- I'm sorry. If I just might add, Legislator --

CHAIRPERSON CARPENTER:
Sure.

COMMISSIONER GALLAGHER:
-- Carpenter, I did express that concern to Legislator Towle recently and, you know, I told him that it literally would be a question of where do you put them, and he said he would undertake some kind of review of --

CHAIRPERSON CARPENTER:
He'll put them in his driveway, I know.

COMMISSIONER GALLAGHER:
-- where to put them. I'm not sure where he has in mind.

CHAIRPERSON CARPENTER:
Okay, we will then table this resolution. All those in favor? Opposed? The resolution is tabled (Vote: 6-0-0-0).

Introductory Resolutions

IR 1508-02 - Establishing a Child Sexual Abuse Reporting Policy for Suffolk County (Cooper). At the request of the sponsor, we will table this. I'll make that motion, second by Legislator Nowick. All those in favor? Opposed? The resolution is tabled (Vote: 6-0-0-0).

1523-02 (P) - Amending the 2002 Capital Budget and Program and appropriating funds in connection with improvements to the County Correctional Facilities C-141, Riverhead for the installation of Tamper-Proof Security Grills (CP 3014) (County Executive).

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LEG. POSTAL:
Motion.

CHAIRPERSON CARPENTER:
Motion by Legislator Postal, second by Legislator Nowick. All those

in favor? Opposed? Approved (Vote: 6-0-0-0).

And we go to 1524-02 - Amending the 2002 Capital Budget and Program and appropriating funds in connection with the improvements to Police Headquarters (CP 3122)(County Executive). I will make that motion, second by Legislator --

LEG. BISHOP:

What is the offset on this?

CHAIRPERSON CARPENTER:

-- Caracappa. There is a question on the offset.

LEG. BISHOP:

It's amending -- are we just moving up the timetable or something?

MS. GAZES:

The offset is Capital Project 3405, Construction of Class A Fire Training Building. And it also -- it takes money from there. There was already \$60,000 in this current Capital Budget in 2002, it moves up what was in a further round 2003 of 720 but adds another 80,000 to that. So it's 60 that was there, 720 that was next year, adds another 80, a total of 860.

LEG. BISHOP:

And this fire training facility is under budget or what?

MS. GAZES:

I don't know, the offset came from the County Executive's Office. It's their resolution, we didn't find the offset.

LEG. BISHOP:

Are they available?

MR. SABATINO:

I can make that observation. That offset is being used by the Executive in a number of other bills like, for example, not in this committee, but in Public Works you'll see it being used. So I would suspect that there's some, you know, general issue that's allowing that money to be available, because more than one resolution is being used on a repeat basis.

CHAIRPERSON CARPENTER:

All right. We have a motion and a second.

LEG. BISHOP:

What does that mean?

CHAIRPERSON CARPENTER:

Why don't -- all right, let us -- I would like to move this and I will make the effort to check with the County Exec's Office on this before

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Tuesday and have that information for us on Tuesday. Motion and a second. All those in favor? Opposed? The resolution is approved (Vote: 6-0-0-0).

The meeting is adjourned. Thank you very much, gentlemen.

(*The meeting was adjourned at 10:37 A.M.*)

Legislator Angie Carpenter, Chairperson
Public Safety & Public Information Committee

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